

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANDRES MALAVE, III,

Defendant.

24 MAG 2615

24 Mag. _____

RULE 5(c)(3) AFFIDAVIT

SOUTHERN DISTRICT OF NEW YORK, ss.:

MARIA JOSE MARTINEZ, being duly sworn, deposes and says that she is a Special Agent with the United States Drug Enforcement Administration ("DEA"), and charges as follows:

On or about June 11, 2024, the United States District Court for the Southern District of Texas issued a warrant for the arrest of "Andres Malave, III" (the "Warrant") based on an Indictment charging him with conspiracy to distribute cocaine and conspiracy to commit money laundering. A copy of the Warrant and the Indictment is attached as Exhibit A.

I believe that ANDRES MALAVE, III, the defendant, who was taken into the custody of the United States Drug Enforcement Administration on July 17, 2024 in the Southern District of New York, is the same individual as the "Andres Malave, III" who is named in the Warrant.

The bases for my knowledge and for the foregoing are, in part, as follows:

1. I am a Special Agent with the DEA. This affidavit is based upon my personal participation in this matter, as well as on my conversations with other law enforcement officers, my examination of documents, reports, and records, and my personal observations of the defendant. I have been personally involved in determining whether ANDRES MALAVE, III, the defendant, is the same individual as the "Andres Malave, III" named in the Warrant issued by the United States District Court for the Southern District of Texas. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my review of documents from proceedings in the United States District Court for the Southern District of Texas, I know that, on or about June 11, 2024, the United States District Court for the Southern District of Texas issued a warrant for the arrest of "Andres

Malave, III” based on an Indictment charging him with conspiracy to distribute cocaine and conspiracy to commit money laundering.

3. Based on my participation in the arrest and discussions with officers who participated in the arrest, I know that on or about July 17, 2024, ANDRES MALAVE, III, the defendant, was arrested in the Bronx, New York.

4. I believe that ANDRES MALAVE, III, the defendant, is the same person as the “Andres Malave, III” listed in the Warrant because, based on my participation in the arrest and discussions with officers who participated in the arrest, I understand that MALAVE confirmed to the arresting officers that his name is “Andres Malave, III.”

5. I further believe that ANDRES MALAVE, III, the defendant, is the same person as the “Andres Malave, III” listed in the Warrant because I participated in a March 7, 2024 arrest of the “Andres Malave, III” listed in the Warrant. Based on my observation of MALAVE following his arrest in the Bronx earlier today, I know that he resembles the “Andres Malave, III” whom I arrested on March 7, 2024 and who is named in the Warrant.


6. I further believe that ANDRES MALAVE, III, the defendant, is the same person as the “Andres Malave, III” listed in the Warrant because, following his arrest, I reviewed a copy of MALAVE’s driver’s license that was in his possession at the time of arrest, and the name, photograph, and date of birth match those of the “Andres Malave, III” listed in the Warrant.

WHEREFORE, I respectfully request that ANDRES MALAVE, III, the defendant, be imprisoned or bailed, as the case may be.



MARIA JOSE MARTINEZ
Special Agent
United States Drug Enforcement Administration

Sworn to before me this
17th day of July, 2024



THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

EXHIBIT A

AO 442 (Rev. 11/11) Arrest Warrant

FID# 1136773

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SealedPublic and unaffiliated staff access
to this instrument are
prohibited by court order.

United States of America

v.

Case No. 1:24-CR-301-3

ANDRES MALAVE, III*Defendant*

AKA: COLON, LUIS

ARREST WARRANT

COPY

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ANDRES MALAVE, III
who is accused of an offense or violation based on the following document filed with the court:


- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
- ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

SEALED INDICTMENT

Date: Jun 11, 2024

City and state: Brownsville, Texas



Juanita Tabares, Deputy Clerk

Issuing officer's signature

NATHAN OCHSNER, CLERK OF COURT

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____

at (city and state) _____

Date: _____

*Arresting officer's signature**Printed name and title*

SealedPublic and unofficial staff access
to this instrument are
prohibited by court orderUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

JUN 11 2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONNATHAN OCHSNER
CLERK OF COURT

UNITED STATES OF AMERICA

§

vs

§

CRIMINAL NO. **B-24-301**

EDUARDO RODRIGUEZ, JR.

§

DANIEL ROLDAN

ANDRES MALAVE, III

§

SEALED INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

From on or about January 1, 2024, to on or about the date of indictment, in the Southern District of Texas within the jurisdiction of the Court and elsewhere, Defendants,

**EDUARDO RODRIGUEZ, JR.,
DANIEL ROLDAN,
and
ANDRES MALAVE, III,**

did knowingly and intentionally conspire and agree with persons known and unknown to the Grand Jurors to knowingly and intentionally possess with intent to distribute a quantity more than five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

COUNT TWO

On or about February 1, 2024, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**EDUARDO RODRIGUEZ, JR.,
and
DANIEL ROLDAN,**

did knowingly and intentionally possess with intent to distribute a quantity more than five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, that is, approximately 24.3 kilograms (53.4 pounds) of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

On or about March 1, 2024, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

EDUARDO RODRIGUEZ, JR.,

did knowingly and intentionally possess with intent to distribute a quantity more than five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, that is, approximately 11.9 kilograms (26.1 pounds) of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FOUR

On or about March 1, 2024, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**EDUARDO RODRIGUEZ, JR.,
and
DANIEL ROLDAN,**

did knowingly and intentionally possess with intent to distribute a quantity more than five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, that is, approximately 23.6 kilograms (51.9 pounds) of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

From on or about January 1, 2024, to on or about the date of indictment, in the Southern District of Texas and elsewhere and within the jurisdiction of the Court, the Defendants,

**EDUARDO RODRIGUEZ, JR.,
DANIEL ROLDAN,
and
ANDRES MALAVE, III,**

did knowingly combine, conspire, and agree with persons known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i), to wit:

to transport, transmit, and transfer, and attempt to transport, transmit, and transfer a monetary instrument or funds involving the proceeds of specified unlawful activity, that is, Possession with Intent to Distribute Controlled Substances (Narcotics smuggling), from a place in the United States to or through a place outside the United States, knowing that the funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity and knowing that such transportation, transmission, and transfer was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful

activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

In violation of Title 18, United States Code, Section 1956(h).

NOTICE OF CRIMINAL FORFEITURE

(21 U.S.C. § 853(a)) -

Pursuant to Title 21, United States Code, Section 853(a), the United States gives notice to the Defendants,

**EDUARDO RODRIGUEZ, JR.,
DANIEL ROLDAN,
and
ANDRES MALAVE, III,**

that in the event of a conviction for a violation of Title 21, United States Code, Sections 846 or 841, the following are subject to forfeiture:

- (1) all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses; and
- (2) all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses.

In the event a condition listed in Title 21, United States Code, Section 853(p)(1) exists, the United States will seek to forfeit any other property of the defendant in substitution up to the total value of the property subject to forfeiture. The United States may seek the imposition of a money judgment.

NOTICE OF FORFEITURE

(18 U.S.C. § 982(a)(1))

Pursuant to Title 18, United States Code, Section 982(a)(1), the United States gives notice to Defendants,

**EDUARDO RODRIGUEZ, JR.,
DANIEL ROLDAN,
and
ANDRES MALAVE, III,**

that upon conviction of a violation of Title 18, United States Code, Section 1956, as charged in the indictment, all property, real and personal, involved in such offense, and all property traceable to such offense, is subject to forfeiture.


Money Judgment/Substitute Assets

In the event a condition listed in Title 21, United States Code, Section 853(p) exists, the United States will seek to forfeit any other property of the defendant in substitution up to the total value of the property subject to forfeiture. The United States may seek the imposition of a money judgment.

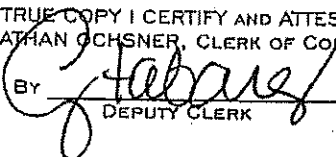
A TRUE BILL:

FOREPERSON OF THE GRAND JURY

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY



Oscar Ponce
Assistant United States Attorney

TRUE COPY I CERTIFY AND ATTEST:
NATHAN OCHSNER, CLERK OF COURT
BY 
DEPUTY CLERK

AA
6/6/2024Public and unofficial access
to this instrument are
prohibited by court order.SEALED
OCDEF

B-24-301

BROWNSVILLE DIVISION
FILE: 2024R03652

CRIMINAL DOCKET

NO. _____

Rolando Olvera

SEALED INDICTMENT
COUNTY: Cameron

Filed: June 11, 2024

Judge: _____

ATTORNEYS:

UNITED STATES OF AMERICA

ALAMDAR S. HAMDANI, USA

vs.

Oscar Ponce, AUSA

EDUARDO RODRIGUEZ, JR. (YOB: 1996) USC

-WARRANT-

DANIEL ROLDAN (YOB: 1987) USC

-WARRANT-

ANDRES MALAVE, III (YOB: 1980) USC

-WARRANT-

CHARGE: Ct. 1: Conspiracy to possess with intent to distribute more than 5 kilograms of cocaine;

Total 21 USC 846, 841(a)(1), and 841(b)(1)(A)

Counts Ct. 2: Possession with intent to distribute more than 5 kilograms, that is approx.

(5) 24.3 kilograms (53.4 pounds) of cocaine;

21 USC 841(a)(1) and 841(b)(1)(A) and 18 USC 2

Ct. 3: Possession with intent to distribute more than 5 kilograms, that is approx.

11.9 kilograms (26.1 pounds) of cocaine;

21 USC 841(a)(1) and 841(b)(1)(A) and 18 USC 2

Ct. 4: Possession with intent to distribute more than 5 kilograms, that is approx.

23.6 kilograms (51.9 pounds) of cocaine;

21 USC 841(a)(1) and 841(b)(1)(A) and 18 USC 2

Ct. 5: Conspiracy to Commit Money Laundering;

18 USC 1956(h)

Notice of Criminal Forfeiture

PENALTY: Cts 1-4: 10 years to life and/or fine not to exceed \$10,000,000, plus supervised
release term of at least 5 years up to life as to each ct.Ct 5: Up to 20 years imprisonment, a fine of up to \$500,000 or twice the
value of instrument/funds involved, whichever is greater and 5 years SRT.In Jail:
On Bond:
No Arrest: X
DEA: Tyler Hay

P R O C E E D I N G S: